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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of:

Trademark Application Serial No. 75/583,934
Filed: November 6, 1998
For: FOU FOU VALENTINE
Published in the Official Gazette on April 11, 2000



03-19-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #76

VALENTINE SUITS, INC.
Opposer,

v.

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION
Applicant

Opposition No. 118,623

TRADEMARK TRIAL AND
APPEAL BOARD
MARCH 28 2003 9:23

BOX TTAB
Trademark Trial and Appeal Board
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202

APPLICANT'S REQUEST TO RESUME PROCEEDINGS

AND DISMISS OPPOSITION PROCEEDINGS

Applicant, Burlington Coat Factory Warehouse Corporation, hereby requests resumption
of the above referenced opposition proceeding and dismissal of same based on a consent

CERTIFICATE OF MAILING:

"Express Mail" Mailing Label No. EV 203561376 US

Date of Deposit: March 19, 2003

I hereby certify that this paper or fee is being deposited with the United States
Postal Service "Express Mail Post Office to Addressee" service under 37 CFR
1.10 on the date indicated above and is addressed to the Commissioner for
Trademarks, 2900 Crystal Drive, Arlington, VA 22202, Box TTAB

Typed Name: Donna B. Millard

Signature: Donna B. Millard

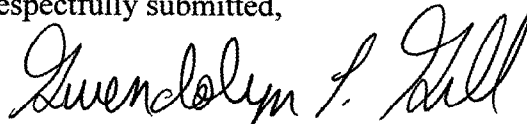
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agreement reached between the parties, as evidenced by the executed Agreement attached hereto. In particular, Applicant respectfully directs the Board's attention to clauses 5 and 7 of the attached Agreement in which Opposer, Valentine Suits, Inc., consents to the use and registration of FOU FOU VALENTINE, Trademark Application Serial No. 75/583,934, subject to Applicant complying with clause 4 of the attached Agreement. As the mark is a typed mark only, Applicant does not believe that an amendment to the mark, as shown in the application, is necessary to comply with clause 4 of the Agreement. In addition, Applicant does not believe that any amendment to the goods, as identified in the application as amended on January 3, 2000, is required.

Wherefore, Applicant prays that the Opposition proceeding be resumed, the Opposition proceeding be dismissed and that Application Serial No. 75/583,934 be passed to registration.

This the 19th day of March, 2003.

Respectfully submitted,



Burlington Coat Factory Warehouse Corporation

by: Gwendolyn L. Gill

Registration No. 46,214

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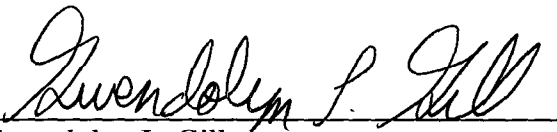
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S REQUEST TO RESUME PROCEEDINGS AND DISMISS OPPOSITION PROCEEDINGS was served by U.S. Mail, first-class, postage prepaid, addressed as follows:

Jackie Jay Schwartz, Esq.
Law Office of Jack J. Schwartz
630 Third Avenue
18th Floor
New York, New York 10017

This the 19th day of March, 2003.



Gwendolyn L. Gill

AGREEMENT

AGREEMENT, made this ~~30~~ day of June, 2001, by and between Burlington Coat Factory Warehouse Corporation ("Burlington Coat Factory"), a Delaware corporation having its principal place of business at 1830 Route 130, North Burlington, New Jersey 08016, and Valentine Suits, Inc. ("Valentine"), a New York corporation having its principal place of business at 28 West 36th Street, New York, New York 10018:

WHEREAS, Burlington Coat Factory filed a trademark application for FOU FOU VALENTINE on November 6, 1998, on an intent-to-use basis, for men's, ladies' and children's clothing, shoes and accessories, in Class 25, Serial No. 75/583,934;

WHEREAS, Valentine has been using the mark VALENTINE since 1995 in connection with men's and women's clothing;

WHEREAS, Valentine filed an application to register the mark VALENTINE and Design, on May 24, 1999, for men's and women's clothing, namely, jackets, suits, dresses and scarves, in Class 25, Serial No. 75/712,437;

WHEREAS, Valentine filed an application to register the mark for NYNY BY VALENTINE on May 24, 1999, for men's and women's clothing, jackets, suits, dresses and scarves, in Class 25, Serial No. 75/712,438; and

WHEREAS, the parties wish to avoid any conflict with regard to registration of each other's mark,

NOW, THEREFORE, in consideration of the sum of One Dollar paid from Valentine to Burlington Coat Factory, and other good and valuable consideration, it is hereby agreed as follows:

1. Burlington Coat Factory believes there is no likelihood of confusion or

conflict between the trademarks as described above;

2. Valentine believes there is no likelihood of confusion or conflict between the trademarks as described above;

3. Burlington Coat Factory consents to the use and registration by Valentine of the trademarks VALENTINE, BE MY VALENTINE and NYNY BY VALENTINE for men's and women's clothing, namely, jackets, suits, dresses and scarves, in Class 25;

4. Burlington Coat Factory agrees that if it uses the mark FOU FOU VALENTINE for the goods specified in its application, the words "FOU FOU" will be substantially and noticeably larger than the word "VALENTINE" on all labels, hang tags, packaging, advertising, collateral, or wherever or however else the mark is used at all times;

5. Valentine consents to the use and registration by Burlington Coat Factory of the trademark FOU FOU VALENTINE for men's, ladies' and children's clothing, shoes and Accessories, in Class 25 as long as Burlington Coat Factory is in compliance with paragraph 4 of this Agreement;

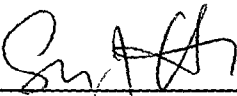
6. Burlington Coat Factory will take no action to interfere with the use and registration of VALENTINE, BE MY VALENTINE or NYNY BY VALENTINE by Valentine;


7. Valentine will take no action to interfere with the use and registration of FOU FOU VALENTINE by Burlington Coat Factory as long as Burlington Coat Factory is in compliance with paragraph 4 of this Agreement.

IN WITNESS WHEREOF, the parties hereto set their hands and seals on the date
first above written.

BURLINGTON COAT FACTORY
WAREHOUSE CORPORATION

VALENTINE SUITS, INC.

By: 
Name: Stacy J. Haigney
Title: Gen'l Att'y + Ass't Sec'y

By: 
Name: SHAHRAM NAKHAIMOUSA
Title: PRESIDENT

Attest:

Attest:

Brian Flynn

Abouk Chahghi